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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/511,535                      | 10/15/2004  | Hui-Fang Chang       | 100695-1P US        | 4411             |
| 22466                           | 7590        | 08/24/2007           | EXAMINER            |                  |
| ASTRA ZENECA PHARMACEUTICALS LP |             |                      | DESAI, RITA J       |                  |
| GLOBAL INTELLECTUAL PROPERTY    |             |                      |                     |                  |
| 1800 CONCORD PIKE               |             |                      | ART UNIT            | PAPER NUMBER     |
| WILMINGTON, DE 19850-5437       |             |                      | 1625                |                  |
| MAIL DATE                       |             | DELIVERY MODE        |                     |                  |
| 08/24/2007                      |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/511,535             | CHANG ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Rita J. Desai          | 1625                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 14-19, 21 and 22 is/are pending in the application.
  - 4a) Of the above claim(s) 14-17, 21 and 22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 18 and 19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

The finality of the Office action has been vacated.

Claims 1-4, 14-19, 21 and 22 are pending

Claims 14-17, 21 and 22 are withdrawn.

Claims under consideration are 1-4, 18 and 19.

The rejection of the claims 1-4, 18 and 19 under Obvious type Double Patenting over claims 1 and 2 of US 6569865 and claim 8 of US 6110914, 6995167, and US 10/511525 still stands as applicant have not yet provided a terminal Disclaimer.

The 35 USC 103 rejection based on 102(e) date has been withdrawn, however,

There are some references which do not have a 102(e) date and hence the examiner has given a New Grounds of rejection.

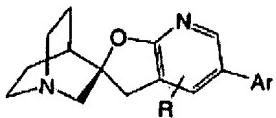
### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6110914 Elfion Phillips et al or WO 99.03859.

Applicants claims are drawn to compounds and pharmaceutical composition of the



formula ~~receniently acceptable under 35 U.S.C. § 112, 2nd paragraph~~ wherein Ar is a substituted furyl, wherein the substituent may be an alkyl amongst many other.

#### **Determination of the scope and content of the prior art (MPEP §2141.01)**

The prior art teaches compounds with the same core, see example 21 in column 30 of the US '914 reference.

#### **Ascertainment of the difference between the prior art and the claims (MPEP §2141.02)**

The prior art compounds do not have any substituents on the furyl (Ar) ring whereas the applicants compounds have 1-3 substituents alkyl.

#### **Finding of prima facie obviousness--rational and motivation (MPEP §2142-2413)**

H Vs alkyl is considered to be prima facie obvious to one of skill in the art as the properties of the compounds are expected to remain the same. Thus one would be motivated to replace the H with an alkyl group.

#### ***Conclusion***

Claims 1-4, 18 and 19 stand rejected.

Claims 14-17, 21 and 22 are withdrawn.

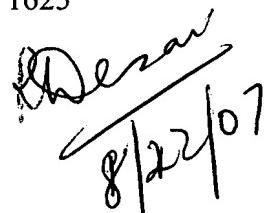
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rita J. Desai  
Primary Examiner  
Art Unit 1625

R.D.  
August 22<sup>nd</sup> 2007.



The image shows a handwritten signature in black ink. The signature reads "Rita J. Desai" above the date "8/22/07". The signature is written in a cursive style with a diagonal line through it, and the date is written in a vertical orientation below the line.